

**San Francisco Electric Reliability Project
(Docket No. 04-AFC-1)**

DOCKET 04-AFC-1
DATE <u>AUG 11 2006</u>
RECD. <u>8 11 2006</u>

TO: Gary Fay, Hearing Adviser
FROM: Bill Pfanner, Project Manager *Bill Pfanner*
RE: Soil and Water Resources and Waste Management Conditions
DATE: August 11, 2006

Attached, per your request, is a clean draft of the proposed conditions of certification, including all revisions discussed and agreed to by Applicant and Staff in the hearing record, in the technical areas of **Soil and Water Resources** and **Waste Management**. The proposed conditions include the final changes agreed to by Applicant and Staff in testimony at the May 22, 2006 Evidentiary Hearing. Included also are citations to the evidentiary record supporting the changes. As you requested, I am providing you a hard copy of the proposed conditions, as well as an electronic copy in Word.

SAN FRANCISCO ELECTRIC RELIABILITY PROJECT

04-AFC-1

SOIL AND WATER RESOURCES

Conditions of Certification as Agreed to by Applicant and Staff
Mark Lindley, P.E. and Michael Stephens

Following are the proposed Conditions of Certification in the area of Soil and Water Resources. The proposed conditions include the final changes agreed to by Applicant and Staff in testimony at the May 22, 2006 Evidentiary Hearing. Included also are citations to the evidentiary record supporting the changes.

PROPOSED CONDITIONS OF CERTIFICATION

SOIL & WATER-1 Prior to site mobilization, the project owner shall obtain CPM approval for a site-specific Drainage, Erosion and Sedimentation Control Plan (DESCP) that ensures protection of water quality and soil resources of the SFERP site and all linear facilities for both the construction and operational phases of the project. This plan shall address appropriate methods and actions, both temporary and permanent, for the protection of water quality and soil resources, demonstrate no increase in off-site flooding potential, meet local requirements, and identify all monitoring and maintenance activities. The plan shall be consistent with the grading and drainage plan as required by condition of certification **CIVIL-1** and may incorporate by reference any Storm Water Pollution Prevention Plan (SWPPP) developed in conjunction with any NPDES permit. The DESCP shall contain the following elements:

- Vicinity Map – A map shall be provided indicating the location of all project elements with depictions of all significant geographic features including swales, storm drains, and sensitive areas.
- Site Delineation – The San Francisco Electric Reliability Project (SFERP) site, lay down area, all linear facilities, and project elements shall be delineated showing boundary lines of all construction areas and the location of all existing and proposed structures, pipelines, roads, and drainage facilities.
- Watercourses and Critical Areas – The DESCP shall show the location of all nearby watercourses including swales, storm drains, and drainage ditches. Indicate the proximity of those features to the SFERP construction site, lay down area, and all pipeline and transmission line construction corridors.
- Drainage – The DESCP shall provide a topographic site map showing all existing, interim and proposed drainage systems; drainage area boundaries and water shed sizes in acres; the hydraulic analysis to support the selection of Best Management Practices (BMPs) to divert off-site drainage around or through the SFERP site and laydown areas. On the map, spot elevations are required where relatively flat conditions exist.

The spot elevations and contours shall be extended off-site for a minimum distance of 100 feet in flat terrain.

- **Clearing and Grading** – The plan shall provide a delineation of all areas to be cleared of vegetation and areas to be preserved. The plan shall provide elevations, slopes, locations, and extents of all proposed grading as shown by contours, cross sections or other means. The locations of any disposal areas, fills, or other special features will also be shown. Illustrate existing and proposed topography tying in proposed contours with existing topography. The DESCPC shall include a statement of the quantities of material excavated or filled for each element of the SFERP (project site, lay down area, transmission corridors, and pipeline corridors), whether such excavations or fill is temporary or permanent, and the amount of such material to be imported or exported.
- **Project Schedule** – The DESCPC shall identify on the topographic site map the location of the site specific BMPs to be employed during each phase of construction (initial grading, project element excavation and construction, and final grading/stabilization). Separate BMP implementation schedules shall be provided for each project element for each phase of construction.
- **Best Management Practices** – The DESCPC shall show the location, timing, and maintenance schedule of all erosion and sediment control BMPs to be used prior to initial grading, during project element excavation and construction, final grading/stabilization, and following construction. BMPs shall include measures designed to control dust and stabilize construction access roads and entrances. BMPs shall include measures designed to prevent wind and water erosion in areas with existing soil contamination. Treatment control BMPs utilized during construction should enable testing of stormwater runoff prior to discharge to San Francisco Bay. If runoff has unacceptable levels of contaminants including metals, TPH, or PAH constituents, the runoff must be treated to acceptable levels prior to discharge to the Bay, which could include multiple tank media filtration or other BMP's. The maintenance schedule should include post-construction maintenance of erosion control BMPs applied to disturbed areas following construction.
- **Erosion Control Drawings** -- The erosion control drawings and narrative must be designed and sealed by a professional engineer/erosion control specialist.

Verification: No later than 90 days prior to start of site mobilization, the project owner shall submit a copy of the plan to the City and County of San Francisco Public Works Department and San Francisco Public Utilities Commission for review and comment. No later than 60 days prior to start of site mobilization, the project owner shall submit the plan and City and County of San Francisco Public Works Department and San Francisco Public Utilities Commission comments to the CPM for review and approval. The CPM shall consider comments received from the City and County of San Francisco Public Works Department and San Francisco Public Utilities Commission. During construction, the project owner shall provide an analysis in the monthly

compliance report on the effectiveness of the drainage, erosion and sediment control measures and the results of monitoring and maintenance activities. Once operational, the project owner shall provide in the annual compliance report information on the results of monitoring and maintenance activities.

SOIL & WATER-2 The project owner shall comply with the requirements of the General National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activity. The project owner shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for the construction of the entire SFERP site, Lay Down Area, and all linear facilities (construction SWPPP).

Verification: The project owner shall submit copies to the CPM of all correspondence between the project owner, Port of San Francisco, and the RWQCB about the General NPDES permit for the Discharge of Stormwater Associated with Construction Activities within 10 days of its receipt (when the project owner receives correspondence from the RWQCB) or within 10 days of its mailing (when the project owner sends correspondence to the RWQCB). This information shall include copies of the Notice of Intent and Notice of Termination for the project.

SOIL & WATER-3 The project owner shall comply with the discharge limitations, pretreatment requirements, peak flow restrictions, dewatering discharges, payment of fees, and monitoring and reporting requirements as found in the San Francisco Public Works Code, Article 4.1 during discharge of potentially hazardous wastewater from de-watering of construction sites and discharge of water used for cleaning/hydrostatic testing of pipes or tanks, or during any other activity that generates wastewater, other than from routine commercial and/or industrial processes.

Verification: At least 30 days prior to the start of site mobilization, evidence of how the project owner complies with San Francisco Public Works Code, Article 4.1 shall be submitted to the CPM. The project owner shall submit copies of all correspondence between the project owner and SFPUC Bureau of Environmental Regulation and Management within 10 days of its receipt (when the project owner receives correspondence from the SFPUC) or its mailing (when the project owner sends correspondence to the SFPUC). The CPM shall be notified in writing of any analyzed sample that does not comply with the regulatory limits within 10 days of receiving sample results.

SOIL & WATER-4 Prior to beginning any site mobilization activities, the project owner shall submit a Dual Plumbing Plan utilizing disinfected tertiary recycled water for plant service needs not requiring potable water to the San Francisco Department of Public Works for review and comment and to the CBO for review and approval. The Dual Plumbing Plan shall be prepared in accordance with San Francisco Public Works Code Article 22, and Title 22 of the State Water Code. This plan may be consolidated with the Engineer's Report for the Production, Distribution and Use of Recycled Water at the SFERP if practical, as specified in **SOIL & WATER-5**. The project owner shall comply with any reporting and inspection requirements set forth by the San Francisco Public Works Department to fulfill statutory requirements.

Verification: At least 30 days prior to the start of any site mobilization activities, the project owner shall submit the Dual Plumbing Plan to the San Francisco Department of Public Works and the CBO. In the next Monthly Compliance Report following the CBO's approval, the project owner shall submit a written statement certifying that the documents have been approved by the CBO.

SOIL & WATER-5 Prior to beginning any site mobilization activities, the project owner shall submit an Engineer's Report for the Production, Distribution and Use of Recycled Water at the SFERP to the State Department of Health Services and the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and comment and to the CPM for review and approval. The Engineer's Report for the Production, Distribution and Use of Recycled Water at the SFERP shall be prepared in accordance with Titles 17 and 22 of the CA Code of Regulations, the Health and Safety Code, and the Water Code. The project owner shall comply with any reporting and inspection requirements set forth by the State Department of Health Services and SFRWQCB to fulfill statutory requirements.

Verification: At least 30 days prior to the start of any site mobilization activities, the project owner shall submit the Engineer's Report for the Production, Distribution and Use of Recycled Water at the SFERP to the State Department of Health Services, the SFBRWQCB, and the CPM. The project owner shall request letters from the State Department of Health Services and the SFBRWQCB with their comments on the Engineer's Report for the Production, Distribution and Use of Recycled Water at the SFERP. The project owner shall submit comments from the State Department of Health Services and any comments or conditions stipulated by the SFBRWQCB on the Engineer's Report or those related to the use and treatment of recycled water to the CPM for consideration in the review and approval of the Engineer's Report. The project owner shall revise the Engineer's Report per the CPM's instructions. The project owner shall provide the CPM a copy of any correspondence between themselves and State Department of Health Services, or the SFRWQCB within 10 days of receipt or submittal.

SOIL & WATER-6 At least sixty (60) days prior to any soil disturbance or the beginning of site mobilization, whichever is later, the project owner shall prepare and submit the documents listed below to address contaminated soil and groundwater at the project site. This information shall be submitted to: the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and approval; the San Francisco Department of Public Health (SFDPH) for review and verification of compliance with Article 22A requirements; and the Compliance Project Manager (CPM) for review and approval that these documents meet the requirements of this Condition of Certification.

- a) a Human Health Risk Assessment (HHRA),
- b) an Ecological Risk Screening Assessment (ERSA) using site-specific groundwater concentrations compared to SFBRWQCB 2005 ESLs,
- c) a site-specific Risk Management Plan (RMP) that will govern soil and groundwater handling procedures during soils movement and construction, and

- d) a site-specific Site Cleanup Plan (SCP) that will present cleanup goals and remedial alternatives considered and selected to address human and ecological risks and reduce any significant risk identified to less than significant. The SCP, which is equivalent to a Removal Action Work Plan (RAW), will be developed in compliance with SFBRWQCB requirements and guidance and Article 22A requirements. This plan will also detail the program and schedule to implement the selected remedies. Either a waiver or a “no action” letter from the SFBRWQCB and the SFDPH may be submitted instead of an SCP if approved by the CPM.

The project owner shall provide the CPM with a copy of any and all correspondence between itself and the SFBRWQCB and the SFDPH within five (5) days of submittal to the agency or receipt from the agency.

Verification: At least sixty (60) days prior to any soils disturbance or the beginning of site mobilization, the project owner shall provide the documents listed above to the SFBRWQCB for review and approval, the SFDPH for review and verification, and the CPM for review and approval. At least ten (10) days prior to any soil disturbance or the start of site mobilization, the project owner shall submit approval letters from the SFBRWQCB and the SFDPH for each of the documents listed above to the CPM.

[See May 22, 2006 RT, pp 83-87 and 115-116.]

[See Exh 47.]

[See Exh 88.]

Soil and Water-7 At least forty-five (45) days prior to the start of commercial operations, the project owner shall submit the documents listed below to address the long-term management of contaminated soil and groundwater at the project site to the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and approval, to the San Francisco Department of Public Health (SFDPH) for review and verification of compliance with Article 22A requirements, and to the Compliance Project Manager (CPM) for its approval that these documents meet the requirements of this Condition of Certification.

- *Site Management Plan* – The Site Management Plan (SMP), which shall be developed based on the findings of the HHRA, ERSA, and taking into account the SCP, will govern the long-term management of environmental conditions at the SFERP site relative to potentially ongoing mitigation programs (which could include treatment and /or monitoring programs, if required) and procedures to be followed should subsurface intrusion into chemically-impacted soil and groundwater be required in the future. The SMP will be recorded in an Environmental Restriction.
- *Certification Report* – The Certification Report shall be prepared in accordance with SFBRWQCB requirements and Article 22A. The Certification Report shall contain the results of verification sampling analysis, if required by the SFBRWQCB and SFDPH.

Verification: At least 45 days prior to the start of commercial operations, the project owner shall submit the documents listed above to the SFBRWQCB for review and approval, to the

SFDPH for review and verification of compliance with Article 22A requirements, and to the CPM for its approval that these documents meet the requirements of this Condition of Certification. The project owner shall provide the CPM with a copy of any correspondences to or from the regulatory agencies within 10 days of submittal. At least 10 days prior to the start of commercial operation, the project owner shall submit approval letters from the SFBRWQCB and SFDPH for the SMP to the CPM. In addition, at least 30 days prior to the start of commercial operations, and after approval of the SMP, the project owner shall submit to the CPM documentation that the SMP has been recorded as part of the Environmental Restrictions.

[See May 22, 2006 RT, pp 83-87 and 101-106]

[See Exh 47.]

[See Exh 88.]

SOIL & WATER-8 The project owner shall comply with the discharge limitations, pretreatment requirements, peak flow restrictions, dewatering discharges, payment of fees, and monitoring and reporting requirements as found in the San Francisco Public Works Code, Article 4.1 and in accordance with the discharge requirements specified in San Francisco Department of Public Works Order No. 158170 during commissioning and commercial operation.

Verification: At least 30 days prior to the start of commissioning activities, evidence of how the project owner complies with the San Francisco Public Works Code, Article 4.1 shall be submitted to the CPM. The project owner shall submit copies of all correspondence between the project owner and SFPUC Bureau of Environmental Regulation and Management within 10 days of its receipt (when the project owner receives correspondence from the SFPUC) or its mailing (when the project owner sends correspondence to the SFPUC). The CPM shall be notified in writing of any analyzed wastewater sample that does not comply with the regulatory limits of Article 4.1 within 10 days of receiving sample results. The annual compliance report shall provide evidence of how the project owner has complied with San Francisco Public Works Code, Article 4.1 and provide a summary of the wastewater sampling results.

SOIL & WATER-9 The project owner shall comply with the requirements of the Port of San Francisco Municipal National Pollutant Discharge Elimination System (NPDES) Permit. The project owner shall develop and implement a Storm Water Pollution Prevention Plan for the operation of the SFERP (operational SWPPP).

Verification: The project owner shall submit copies to the CPM of the operational SWPPP for the entire SFERP site prior to commercial operation for review and approval, as well as all correspondence between the project owner and the Port of San Francisco, the City and County of San Francisco Public Works Department, and the City Bureau of Environmental Regulation concerning the Port's Municipal NPDES Permit within 10 days of its receipt (when the project owner receives correspondence from the Port) or within 10 days of its mailing (when the project owner sends correspondence to the Port). This information shall include a copy of the Notice of Intent and Notice of Termination.

SOIL & WATER-10 The project owner shall use disinfected tertiary recycled water supplied from the on-site treatment plant as its primary water supply source for cooling, process, and other approved non-potable uses. Prior to the use of a water source during commercial operation by the San Francisco Electric Reliability Project (SFERP), the project owner shall install and maintain metering devices as part of the water supply and distribution system to monitor and record in gallons per day the total volumes of water supplied to the SFERP from each water source. Those metering devices shall be operational for the life of the project.

The project owner shall prepare an annual Water Use Summary, which will include the monthly range and monthly average of daily non-potable water usage in gallons per day, and total water used by the project on a monthly and annual basis in acre-feet. Potable water use on-site shall be recorded on a monthly basis. For subsequent years, the annual Water Use Summary shall also include the yearly range and yearly average water use by the project. The annual summary shall be submitted to the CPM as part of the annual compliance report.

Verification: At least 60 days prior to use commercial operation of the SFERP, the project owner shall submit to the CPM conclusive proof that metering devices have been installed and are operational on the non-potable and potable water supply and distribution system. Potable water use may be based on metering or billings from the supplier.

If there is a significant change in the water supply source(s), the new source(s) supply and distribution system shall also have metering devices. Any water used from the new source(s) shall be incorporated into the annual Water Use Summary within 30 days of hook-up.

The project owner shall submit a Water Use Summary to the CPM in the annual compliance. The summary report shall distinguish between recorded water use of recycled and potable water. Included in the summary report of water use, the project owner shall submit copies of meter records from the City of San Francisco documenting the quantities of tertiary treated recycled water provided (in gallons per day) by the SEWPCP. The project owner shall provide a report on the servicing, testing and calibration of the metering devices in the annual compliance report.

SOIL & WATER-11 The SFERP shall not use more than 50 acre-feet of potable water during any consecutive three-year period as an emergency backup to disruptions in the production or distribution of the recycled water from the tertiary water treatment facility. The project owner will monitor the use of emergency backup water and report total usage to the CPM immediately after any occurrence when potable water was used. During severe droughts, the project owner shall work with appropriate local agencies to reduce energy demand during planned and unplanned outages in order to reduce the need for potable water.

Verification: At least 30 days prior to any planned interruption the project owner will notify the CPM in writing of the potential use of potable backup water and with an

estimate of the volume required to continue normal power generation. During any unplanned outages the project owner will notify the CPM as soon as it is realized that emergency backup water supply will be necessary. The project owner will document total usage for each planned and unplanned service interruption where potable water was used as an emergency backup. The project owner will report all disruptions to the recycled water tertiary treatment process, the associated volume of potable water used, and the total annual use for the year, and the two years prior, in the annual compliance report. The annual report shall report on the feasibility of alternative water supplies in lieu of potable water for emergency backup. The annual report shall discuss any energy conservation measures taken during planned outages.

SOIL & WATER-12 In the event the project owner is notified by the Bay Conservation and Development Commission (BCDC) or the Port of San Francisco (Port) that a proposed segment of the San Francisco Bay Trail or BCDC-required shoreline access is to be located across the outfall of the SFERP stormwater swale, the project owner shall design and construct a conveyance, such as a culvert or bridge, to accommodate continuation of the San Francisco Bay Trail or BCDC-required shoreline access across the outfall without impeding stormwater flow from the SFERP site. The conveyance shall be consistent with all applicable requirements of the BCDC, Port, and the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Verification: Within 90 days of notification by BCDC or the Port of San Francisco that a San Francisco Bay Trail segment or other form of shoreline access will cross the outfall from the SFERP stormwater swale, the project owner shall submit a proposed plan for a conveyance to accommodate continuation of the San Francisco Bay Trail or BCDC-required shoreline access across the outfall without impeding stormwater flow from the SFERP site. The plan shall be provided to the BCDC, Port and RWQCB for review and comment and to the CPM for review and approval. Upon approval of the plan, the project owner shall commence design and construction of the conveyance on a schedule approved by the BCDC and the Port.

Soil and Water-13 Collectively, the implementation of the Site Cleanup Plan (SCP), the Risk Management Plan (RMP), and Site Management Plan (SMP) shall ensure that, during and after construction, the risk to off-site receptors shall not exceed 1×10^{-6} , the hazard index shall not exceed 1.0, and the risk to site construction and operations workers during site activities shall not exceed 1×10^{-5} and a hazard index of 1.0.

Verification: At least 45 days prior to the start of commercial operation, the project owner shall submit a copy of the above-specified documentation to the CPM for approval that this Condition of Certification has been met.

[See May 22, 2006 RT, pp 83-87 and 115-116.]

[See Exh 47.]

[See Exh 88.]

SAN FRANCISCO ELECTRIC RELIABILITY PROJECT

04-AFC-1

WASTE MANAGEMENT

Post-Hearing Revisions to Conditions of Certification
Alvin J. Greenberg, Ph.D., REA, QEP

Following are the proposed Conditions of Certification in the area of Waste Management. The proposed conditions include the final changes agreed to by Applicant and Staff in testimony at the May 22, 2006 Evidentiary Hearing. Included also are citations to the evidentiary record supporting the changes.

PROPOSED CONDITIONS OF CERTIFICATION

WASTE-1 The project owner shall provide the resume of a Registered Professional Engineer or Geologist, who shall be available for consultation during soil excavation and grading activities, to the Compliance Project Manager (CPM) for review and approval. The resume shall show experience in remedial investigation and feasibility studies.

The Registered Professional Engineer or Geologist shall be given full authority by the project owner to oversee any earth moving activities that have the potential to disturb contaminated soil.

Verification: At least 30 days prior to the start of site mobilization the project owner shall submit the resume to the CPM for review and approval.

WASTE-2 If potentially contaminated soil is unearthed during excavation at either the proposed site or linear facilities as evidenced by discoloration, odor, detection by handheld instruments, or other signs, the Registered Professional Engineer or Geologist shall inspect the site, determine the need for sampling to confirm the nature and extent of contamination, and file a written report to the project owner and the Compliance Project Manager (CPM) stating the recommended course of action.

Depending on the nature and extent of contamination, the Registered Professional Engineer or Geologist shall have the authority to temporarily suspend construction activity at that location for the protection of workers or the public. If, in the opinion of the Registered Professional Engineer or Geologist, significant remediation may be required, the project owner shall contact representatives of the San Francisco Department of Public Health (SFDPH), the San Francisco Fire Department, and the Berkeley Office of Department of Toxic Substances Control (DTSC) for guidance and possible oversight.

Verification: The project owner shall submit any final reports filed by the Registered Professional Engineer or Geologist to the CPM within 5 days of their receipt. The project owner shall notify the CPM within 24 hours of any orders issued to halt construction.

WASTE-3 The project owner shall obtain a hazardous waste generator identification number from the Department of Toxic Substances Control prior to generating any hazardous waste during construction and operations.

Verification: The project owner shall keep its copy of the identification number on file at the project site and notify the CPM via the relevant Monthly Compliance Report of its receipt.

WASTE-4 Upon becoming aware of any impending waste management-related enforcement action by any local, state, or federal authority, the project owner shall notify the CPM of any such action taken or proposed to be taken against the project itself, or against any waste hauler or disposal facility or treatment operator with which the owner contracts.

Verification: The project owner shall notify the CPM in writing within 10 days of becoming aware of an impending enforcement action. The CPM shall notify the project owner of any changes that will be required in the manner in which project-related wastes are managed.

WASTE-5 The project owner shall prepare a Construction Waste Management Plan and an Operation Waste Management Plan for all wastes generated during construction and operation of the facility, respectively, and shall submit both plans to the CPM for review and approval. The plans shall contain, at a minimum, the following:

- A description of all waste streams, including projections of frequency, amounts generated and hazard classifications; and
- Methods of managing each waste, including treatment methods and companies contracted with for treatment services, waste testing methods to assure correct classification, methods of transportation, disposal requirements and sites, and recycling and waste minimization/reduction plans.

Verification: No less than 30 days prior to the start of site mobilization, the project owner shall submit the Construction Waste Management Plan to the CPM for approval.

The Operation Waste Management Plan shall be submitted to the CPM no less than 30 days prior to the start of project operation for approval. The project owner shall submit any required revisions within 20 days of notification by the CPM.

In the Annual Compliance Reports, the project owner shall document the actual waste management methods used during the year and provide a comparison of the actual methods used to those the planned management methods proposed in the original Operation Waste Management Plan.

WASTE-6 At least sixty (60) days prior to any soil disturbance or the beginning of site mobilization, whichever is later, the project owner shall prepare and submit the documents listed below to address contaminated soil and groundwater at the project site. This information shall be submitted to: the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and approval; the San Francisco Department of Public Health (SFDPH) for review and

verification of compliance with Article 22A requirements; and the Compliance Project Manager (CPM) for review and approval that these documents meet the requirements of this Condition of Certification.

- a) a Human Health Risk Assessment (HHRA),
- b) an Ecological Risk Screening Assessment (ERSA) using site-specific groundwater concentrations compared to SFBRWQCB 2005 ESLs,
- c) a site-specific Risk Management Plan (RMP) that will govern soil and groundwater handling procedures during soils movement and construction, and
- d) a site-specific Site Cleanup Plan (SCP) that will present cleanup goals and remedial alternatives considered and selected to address human and ecological risks and reduce any significant risk identified to less than significant. The SCP, which is equivalent to a Removal Action Work Plan (RAW), will be developed in compliance with SFBRWQCB requirements and guidance and Article 22A requirements. This plan will also detail the program and schedule to implement the selected remedies. Either a waiver or a "no action" letter from the SFBRWQCB and the SFDPH may be submitted instead of an SCP if approved by the CPM.

The project owner shall provide the CPM with a copy of any and all correspondence between itself and the SFBRWQCB and the SFDPH within five (5) days of submittal to the agency or receipt from the agency.

Verification: At least sixty (60) days prior to any soils disturbance or the beginning of site mobilization, the project owner shall provide the documents listed above to the SFBRWQCB for review and approval, the SFDPH for review and verification, and the CPM for review and approval. At least ten (10) days prior to any soil disturbance or the start of site mobilization, the project owner shall submit approval letters from the SFBRWQCB and the SFDPH for each of the documents listed above to the CPM.

[See May 22, 2006 RT, pp 83-87 and 104-105.]

[See Exh 47.]

[See Exh 88.]

WASTE-7 At least forty-five (45) days prior to the start of commercial operations, the project owner shall submit the documents listed below to address the long-term management of contaminated soil and groundwater at the project site to the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) for review and approval, to the San Francisco Department of Public Health (SFDPH) for review and verification of compliance with Article 22A requirements, and to the Compliance Project Manager (CPM) for its approval that these documents meet the requirements of this Condition of Certification.

- *Site Management Plan* – The Site Management Plan (SMP), which shall be developed based on the findings of the HHRA, ERSA, and taking into account the SCP, will govern the long-term management of environmental conditions at the SFERP site

relative to potentially ongoing mitigation programs (which could include treatment and/or monitoring programs, if required) and procedures to be followed should subsurface intrusion into chemically-impacted soil and groundwater be required in the future. The SMP will be recorded in an Environmental Restriction.

- *Certification Report* – The Certification Report shall be prepared in accordance with SFBRWQCB requirements and Article 22A. The Certification Report shall contain the results of verification sampling analysis, if required by the SFBRWQCB and SFDPH.

Verification: At least 45 days prior to the start of commercial operations, the project owner shall submit the documents listed above to the SFBRWQCB for review and approval, to the SFDPH for review and verification of compliance with Article 22A requirements, and to the CPM for its approval that these documents meet the requirements of this Condition of Certification. The project owner shall provide the CPM with a copy of any correspondences to or from the regulatory agencies within 10 days of submittal. At least 10 days prior to the start of commercial operation, the project owner shall submit approval letters from the SFBRWQCB and SFDPH for the SMP to the CPM. In addition, at least 30 days prior to the start of commercial operations, and after approval of the SMP, the project owner shall submit to the CPM documentation that the SMP has been recorded as part of the Environmental Restrictions.

[See May 22, 2006 RT, pp 83-87 and 101-106]

[See Exh 47.]

[See Exh 88.]

WASTE-8 The project owner shall ensure that the cooling tower sludge is tested as per 22 CCR 66262.10 and report the findings to the Compliance Project Manager (CPM).

Verification: The project shall include the results of sludge testing in a report provided to the CPM. If four consecutive tests show that the sludge is non-hazardous, the project owner may apply to the CPM to discontinue testing.

WASTE-9 Collectively, the implementation of the Site Cleanup Plan (SCP), the Risk Management Plan (RMP), and Site Management Plan (SMP) shall ensure that, during and after construction, the risk to off-site receptors shall not exceed 1×10^{-6} , the hazard index shall not exceed 1.0, and the risk to site construction and operations workers during site activities shall not exceed 1×10^{-5} and a hazard index of 1.0.

Verification: At least 45 days prior to the start of commercial operation, the project owner shall submit a copy of the above-specified documentation to the CPM for approval that this Condition of Certification has been met.

[See May 22, 2006 RT, pp 83-87 and 101-106.]

[See Exh 47.]

[See Exh 88.]

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE SAN FRANCISCO ELECTRIC
RELIABILITY PROJECT**

**Docket No. 04-AFC-01
PROOF OF SERVICE
Revised 7/05/06*

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
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DECLARATION OF SERVICE

I, Raquel Rodriguez, declare that on August 11, 2006, I deposited copies of the attached Soil and Water Resources and Waste Management Conditions, in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.


[signature]